

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

May 2, 2006

3:30 P.M. SCHEDULED SESSION

4:00 P.M. MEETING COMMENCED

ROLL CALL: Dedrick Brittenum, Joe Brown, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell

THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS

INVOCATION

The meeting was opened with prayer by Rev. Rebekah Jordan from Mid-South Interfaith Network for Economic Justice. Councilman Brittenum presented Rev. Jordan with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

39. RESOLUTION APPROVING AN APPEAL LOCATED ON THE EAST SIDE OF GERMANTOWN PARKWAY, 228 FEET SOUTH OF ROCKCREEK PARKWAY.(HELD FROM 3/21; 4/11)
- Case No. PD 02-314
(Companion Case: Z 1692)

Held to May 16, 2006

40. RESOLUTION APPROVING AN APPEAL LOCATED ON THE SOUTH SIDE OF ROCKCREEK PARKWAY, 800 FEET EAST OF GERMANTOWN PARKWAY.(HELD FROM 3/21; 4/11)
- Case No. Z 1692
(Companion Case: PD 02-314)

Held to May 16, 2006

CONSENT AGENDA – Items 1 – 4 & #46 - # 48 & #50 & #51 may be acted upon by one motion.
SEE PAGE 1880 FOR ROLL CALL

1. ORDINANCE TO AMEND CHAPTER 25, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO INCREASE PENSION BENEFITS ALLOWABLE UNDER SECTION 25-95 AND 25-195, UP FOR F I R S T READING.
- Ordinance No. 5165

APPROVED, on First reading

2. ORDINANCE ESTABLISHING THE FISCAL 2007 OPERATING BUDGET FOR THE CITY OF MEMPHIS, UP FOR F I R S T READING.
- Ordinance No. 5166

APPROVED, on First reading

3. **ORDINANCE TO FIX THE TAX RATE OF THE CITY OF MEMPHIS FOR FISCAL YEAR 2007, UP FOR F I R S T READING.**

Ordinance No. 5167

APPROVED, on First reading

4. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 05-367 – Steve Road P.D.
- B. Case No. PD 06-307 – Shotgun P.D.
- C. Case No. PD 06-309 – Tillilie Estate P.D.
- D. Case No. S 05-070 – Leftwhich Subdivision; Resubdivision

Public Hearing Set for May 16, 2006

46. **RESOLUTION APPROVING FINAL PLAT OF UPTOWN REDEVELOPMENT SUBDIVISION 17.**

Case No. S 05-063

Resolution approves the final plat located on the northeast corner of Looney Avenue and Second Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

47. **RESOLUTION ACCEPTING HOUSTON LEVEE TRAILS P.D., 1ST ADDITION, 2ND AMENDMENT, PHASE 17.**

Case No. PD 00-350cc
(Contract No. CR-4932)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southeast corner of U.S. Highway 64 and Houston Levee Road. The standard improvement contract was approved on April 9, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$119,000.00. This action is subject to County approval.

City Engineer recommends approval

APPROVED

48. **RESOLUTION ACCEPTING LEVI LANDING SUBDIVISION, PHASE 3 AND AUTHORIZING RELEASE OF BOND.**

Case No. S 03-040
(Contract No. 4958)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the cashier’s check in the amount of \$246,000.00.

City Engineer recommends approval

APPROVED

50. **RESOLUTION DECLARING SATURDAY, MAY 13, 2006, “OPERA MEMPHIS DAY.”**

APPROVED

51. **RESOLUTION APPROVING FINAL PLAT OF MEMPHIS DEPOT BUSINESS PARK PD.**

Case No. PD 04-378

Resolution approves the final plat located between Dunn Avenue and Ball Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Marshall
SECOND: Sammons
AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete,
 Sammons and Chairman Mitchell
 Chumney abstained
 Taylor did not cast a vote

APPROVED

MLGW FISCAL CONSENT – Items # 5 & 7 - 19 may be acted upon by one motion

5. **RESOLUTION AWARDDING CONTRACT NO. 11075, COMMUNITY OFFICE PAY STATIONS, TO INFO TOUCH TECHNOLOGIES CORPORATION, IN THE FUNDED AMOUNT OF \$131,570.00.**

APPROVED

6. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT NO. 10840, TEMPORARY PERSONNEL SERVICES, WITH KELLY SERVICES, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$2,800,000.00. (THIS RENEWS THE CONTRACT FOR THE FOURTH TERM, 6/5/06 TO 6/4/07.)**

Back to Committee

7. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR FIBER-OPTICAL GROUND WIRE TO BRUGG CABLES, LLC, IN THE AMOUNT OF \$533,050.00.**

APPROVED

8. **RESOLUTION AWARDDING CONTRACT FOR POLYETHYLENE PIPE AND BUTT FUSION FITTINGS TO ACTION CHEMICAL, IN THE AMOUNT OF \$756,993.47.**

APPROVED

9. **RESOLUTION AWARDDING CONTRACT FOR PAPER LEAD CABLE TO THE OKONITE COMPANY, IN THE AMOUNT OF \$273,256.80.**

APPROVED

10. **RESOLUTION AWARDDING CONTRACT FOR AIR COMPRESSORS TO WILLIAMS EQUIPMENT AND SUPPLY, IN THE AMOUNT OF \$138,400.00.**

APPROVED

11. **RESOLUTION REQUESTING RENEWAL OF APPWORX SOFTWARE LICENSE AND MAINTENANCE WITH APPWORX CORPORATION, IN THE AMOUNT OF \$69,360.00.**

APPROVED

12. **RESOLUTION CANCELING AWARD WITH IKON OFFICE SOLUTIONS FOR RENTAL OF HIGH-VOLUME COPY MACHINES AND AWARDING CONTRACT TO NOVA COPY, INC., IN THE AMOUNT OF \$139,320.00.**

APPROVED

13. **RESOLUTION AWARDING CONTRACT FOR IBM WEBSHERE MQ SOFTWARE LICENSES TO VENTURE SYSTEMSOURCE, INC., IN THE AMOUNT OF \$66,300.00.**

APPROVED

14. **RESOLUTION AWARDING CONTRACT FOR PRE-FABRICATED, HAZARDOUS MATERIALS/CHEMICAL OUTDOOR STORAGE BUILDINGS TO NEW PIG CORPORATION, IN THE AMOUNT OF \$47,101.00.**

APPROVED

15. **RESOLUTION AWARDING CONTRACT FOR WATER QUALITY REPORTS TO DIRECT FX SOLUTIONS, IN THE AMOUNT OF \$45,181.00.**

APPROVED

16. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 8 TO CONTRACT NO. 10737, COURIER SERVICES, WITH EXPRESS COURIER, INC., IN THE ESTIMATED FUNDED AMOUNT OF \$50,000.00. (THIS PROVIDES ADDITIONAL FUNDS TO PAY PENDING AND FUTURE INVOICES OVER A 90 DAY TIME PERIOD).**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10857, LNG PROPERTY/BOILER AND MACHINERY INSURANCE, WITH HILB ROGAL AND HOBBS, IN THE FUNDED AMOUNT OF \$297,835.00. (THIS RENEWS THE POLICY FOR THE PERIOD 6/1/06 TO 5/31/07.)**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 5 TO CONTRACT NO. 10858, ALL RISK PROPERTY INSURANCE, WITH FACTORY MUTUAL INSURANCE COMPANY, INC., IN THE FUNDED AMOUNT OF \$1,106,446.00. (THIS RENEWS THE POLICY FOR THE PERIOD 6/1/06 TO 5/31/07.)**

APPROVED

19. **RESOLUTION RESCINDING AWARD OF CONTRACT FOR POLYETHYLENE PIPE TO M. T. DEASON, AND AWARDING CONTRACT TO PERFORMANCE PIPE, IN THE AMOUNT OF \$40,331.37.**

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

MOTION: Holt
SECOND: Marshall
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete
and Chairman Mitchell
Marshall, Sammons and Taylor did not cast a vote

APPROVED

MINUTES

Approval of the Minutes of the regular meeting of April 25, 2006 with the following motion:

MOTION: Holt
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete
and Chairman Mitchell
Marshall, Sammons and Taylor did not cast a vote

APPROVED, as corrected

45. **RESOLUTION CONGRATULATING HAMILTON HIGH SCHOOL’S BASKETBALL TEAM AND COACH KEELON LAWSON.**

MOTION: Peete
SECOND: Brown

APPROVED, unanimous voice vote

38. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTHEAST CORNER OF WEAVER ROAD AND LEVI ROAD, CONTAINING 1.45 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT.**

Case No. SUP 06-201

Applicant: Tower Ventures V, LLC
Billy Orgel – Representative

Request: Cellular Tower

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, McCormick, Peete, Sammons
and Chairman Mitchell
Chumney, Marshall and Taylor did not cast a vote

APPROVED

42. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE SOUTH SIDE OF STAGE ROAD; ± 165 FEET EAST OF KENNETH STREET, CONTAINING 7.02 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 06-305

Chairman Mitchell recognized the following people from the audience:

John E. Whitaker, 3030 Kenneth, Memphis, TN. 38128
John T. Wilkinson, III, 2946 Kenneth, Memphis, TN. 38128
Phillip Vance, 3083 Bluefield, 4780 Stage Rd., Memphis, TN. 38128

Applicant: NDSJ Investment Corporation
Old Engineering Services – Representative

Request: 100-unit residential development consisting of condominium apartments and townhouse condominiums

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Ford
NAYS: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick,

Peete, Sammons, Taylor and Chairman Mitchell
Brown did not cast a vote

FAILED

20. **APPOINTMENTS**

CIVIL SERVICE COMMISSION

APPOINTMENT

BARBARA A. HOLMES, PH.D.

PENSION BOARD

APPOINTMENTS

DEREK BRASSEL
DWAN L. GILLIOM
MARY GRAY
JANICE CURRIN PILOT

REAPPOINTMENTS

NANCY ALBONETTI
JIM DAVIS
JOE GARRONE

MOTION: Marshall
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Peete,
Sammons, Taylor and Chairman Mitchell
Brown and Jones did not cast a vote

APPROVED

21. **RESOLUTION TO AMEND THE FY 2006 OPERATING BUDGET TO REFLECT EXPENDITURE SHIFTS BY TRANSFERRING AND APPROPRIATING FUNDS BETWEEN LEGAL LEVELS IN PUBLIC WORKS, GENERAL SERVICES AND CITY ENGINEERING.**

MOTION: Sammons
SECOND: Marshall
AYES: Brittenum, Chumney, Ford, Holt, Lowery, Marshall, McCormick, Peete,
Sammons, Taylor and Chairman Mitchell
Brown and Jones did not cast a vote

APPROVED

22. **RESOLUTION TO AMEND THE FY 2006 OPERATING BUDGET TO REFLECT EXPENDITURE SHIFTS BY TRANSFERRING AND APPROPRIATING FUNDS BETWEEN LEGAL LEVELS IN FIRE SERVICES, POLICE SERVICES, UNALLOCATED AND GRANTS AND AGENCIES.**

MOTION: Sammons
SECOND: Holt
AYES: Brittenum, Ford, Holt, Lowery, Marshall, McCormick, Sammons, Taylor
and Chairman Mitchell
Chumney abstained
Brown, Jones and Peete did not cast a vote

APPROVED

23. **INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF MEMPHIS, TENNESSEE FOR THE PURPOSE OF FINANCING THE COST OF PUBLIC WORKS PROJECTS IN THE CITY.**

MOTION: Sammons
SECOND: McCormick
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell
Brown and Peete did not cast a vote

APPROVED

24. **RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF COMMERCIAL PAPER OF THE CITY OF MEMPHIS, TENNESSEE AND PROVIDING FOR CERTAIN OTHER MATTERS RELATED THERETO.**

MOTION: Sammons
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, McCormick, Sammons, Taylor and Chairman Mitchell
Brown, Marshall and Peete did not cast a vote

APPROVED

25. **RESOLUTION APPROVING THE PURCHASE OF EASEMENT RIGHTS FROM JOHN C. TURLEY, III, AS TRUSTEE OF THE JOHN C. TURLEY, III LIVING TRUST, 22.777 ACRES LOCATED ON THE SOUTHWEST CORNER OF MILLINGTON ARLINGTON ROAD AND GOTLEY ROAD FOR THE SUM OF \$271,000.00.**

MOTION: Ford
SECOND: Holt
AYES: Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum abstained
Brown did not cast a vote

APPROVED

26. **RESOLUTION APPROVING THE PURCHASE OF PROPERTY FROM CHARLOTTE CARRAWAY, 0.459 ACRES LOCATED ON THE WEST SIDE OF GRIFFIN ROAD, SOUTH OF DEERFIELD ESTATES SUBDIVISION, FOR THE SUM OF \$30,000.00.**

MOTION: Ford
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons and Chairman Mitchell
Brown and Taylor did not cast a vote

APPROVED

27. **RESOLUTION APPROVING THE PURCHASE OF EASEMENT FROM DAWNE DENISE JONES, 5.365 ACRES LOCATED ON THE SOUTH SIDE OF STEWART ROAD AND EAST OF THE EAST LINE OF PALOMINO ROAD, FOR THE SUM OF \$42,920.00.**

MOTION: Ford
SECOND: Peete
AYES: Chumney, Ford, Holt, Jones, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brittenum abstained
Brown and Lowery did not cast a vote

APPROVED

28. **RESOLUTION TO ADOPT AND APPROVE THE PROPOSED FY 2007 ANNUAL ACTION PLAN/CONSOLIDATED PLAN. RESOLUTION ALSO APPROPRIATES FY 2007 CDBG, HOME, ESG AND HOPWA PROGRAM FUNDS AND ANTICIPATED PROGRAM INCOME FROM CDBG AND HOME REPAYMENTS TO THE FY 2007 BUDGET FOR THE DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT.**

MOTION: Holt

SECOND: McCormick

AYES: Brittenum, Chumney, Ford, Holt, Jones, Marshall, McCormick, Sammons,
 Taylor and Chairman Mitchell

Peete recused

Brown and Lowery did not cast a vote

APPROVED

29. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$450,000.00 FROM THE TENNESSEE EMERGENCY MANAGEMENT AGENCY FOR THE BUFFER ZONE PROTECTION GRANT TO PURCHASE EQUIPMENT NECESSARY TO PROVIDE ENHANCED SECURITY AROUND SELECTED PUBLIC BUILDINGS.**

Resolution also amends the FY2006 Operating Budget to establish and appropriate grant fund and matching funds in the amount of \$450,000.00.

MOTION: Chumney

SECOND: Jones

AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick,
 Peete, Sammons, Taylor and Chairman Mitchell

Brown did not cast a vote

APPROVED

44. **RESOLUTION HONORING THE HILLCREST GIRLS BASKETBALL TEAM.**

MOTION: Ford

SECOND: Holt

APPROVED, unanimous voice vote

43. **RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE WEST SIDE OF MENDENHALL ROAD; AT THE WESTERN TERMINUS OF BARRY ROAD, CONTAINING 0.688 ACRE (29,969 SQUARE FEET), IN THE SINGLE FAMILY DWELLING – SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 06-003

Chairman Mitchell recognized the following people from the audience:
John Ryder, 4770 Cole Road, Memphis, TN. 38117
Joe Kirkland, 4795 Shady Grove Road, Memphis, TN. 38117

Applicant/Appellant: GKR Investments

Request: Appeal to overturn action of the Land Use Control Board which
 rejected a two (2) lot preliminary plat subdivision located at 155
 Mendenhall Road (06-003 James J. Palmer Subdivision)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, subject to seven (7) conditions and (1) variance

MOTION: Peete

SECOND: Marshall
NAYS: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete,
Taylor and Chairman Mitchell
Brown and Sammons did not cast a vote

FAILED

31. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/25; 11/1;11/15;12/06; 12/20; 1/03; 1/17; 2/7; 3/7; 4/25)**
- Ordinance No. 5136
Case No. ZTA 05-001cc

Chairman Mitchell recognized the following people from the audience:
Robert Spence, One Commerce Sq., Ste. 2200, Memphis, TN. 38112
Dee Nollner, 7551 Nohapa Cove, Memphis, TN. 38138
Alan Catmur, 1530 Vance Ave., Memphis, TN. 38104
David Hogue, 5349 Estate Office Dr., Memphis, TN. 38119
Randall Swanney, 1180 Chapel Pork Blvd., Cordova, TN. 38016
Arthur Horne, 80 Monroe Ave., Ste. G-1, Memphis, TN. 38103
Murray Wells, 80 Monroe Ave., Ste. G1, Memphis, TN. 38103

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

MOTION: Peete
SECOND: McCormick
AYES: Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete,
Taylor and Chairman Mitchell
Brittenum recused
Sammons did not cast a vote

APPROVED, option 2

35. **ORDINANCE REZONING THE SOUTH SIDE OF MONROE AV.; ±300 FT. EAST OF MCNEIL ST., CONTAINING 12,987 SQ. FT. (0.30 ACRE), IN THE MULTIPLE\ DWELLING RESIDENTIAL (R-MH) DISTRICT, UP FOR T H I R D AND F I N A L READING.**
- Ordinance No. 5163
Case No. Z 06-104

Chairman Mitchell recognized the following people from the audience:
Martha Wallace, 1546 Monroe Avenue, Memphis, TN. 38104
Leigh Espy, 1482 Monroe Avenue, Memphis, TN. 38104

Applicant: Cadence Bank, N.A.
Cindy Reaves, S.R Consulting, LLC –Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Marshall
AYES: Brittenum, Brown, Ford, Holt, Jones, Lowery, Marshall, Peete and
Chairman Mitchell
NAYS: Chumney, McCormick and Taylor

Sammons did not cast a vote

APPROVED

30. **RESOLUTION AMENDING THE FY 2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS CONSTRUCTION ALLOCATION OF \$126,578.00 FUNDED BY G.O. BONDS GENERAL FROM BRIDGE REPAIR, PROJECT NUMBER PW02001 TO ARCHITECTURE AND ENGINEERING/RIGHT-OF-WAY IN HOLMES STREET BRIDGE OVER CSX RAILROAD, PROJECT NUMBER PW02015 FOR DEPOSIT IN THE CITY’S LOCAL GOVERNMENT INVESTMENT POOL. RESOLUTION ALSO APPROPRIATES \$126,578.00 IN ARCHITECTURE AND ENGINEERING FUNDED BY G.O. BONDS GENERAL FOR HOLMES STREET BRIDGE OVER CSX RAILROAD, PROJECT NUMBER PW02015 FOR DEPOSIT IN THE CITY’S LOCAL GOVERNMENT INVESTMENT POOL.**

Director of Public Works and City Engineer recommends approval

MOTION: Jones
SECOND: Marshall
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell
Sammons did not cast a vote

APPROVED

41. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF MADISON AVENUE AND EDGEWOOD STREET, CONTAINING .78 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT. (HELD FROM 4/25)**

Case No. PD 06-301

Applicant: Memphis Heritage Inc.
June West, Executive Director – Representative

Request: Headquarters (Office) with accessory dwelling unit

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell
Sammons did not cast a vote

APPROVED

32. **ORDINANCE REZONING THE SOUTHWEST CORNER OF VANCE AVENUE AND BOYD STREET, CONTAINING 0.24 ACRE (10,323 SQ. FT.), IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5160
Case No. Z 06-102

Applicant: Kenneth Kennedy

Request: Duplex Residential (R-D) District

LUCB and OPD recommendation: APPROVAL of the Duplex Residential (R-D) District

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick,

Peete and Chairman Mitchell
Marshall, Sammons and Taylor did not cast a vote

APPROVED

33. **ORDINANCE REZONING THE NORTH SIDE OF BALL ROAD; +714 FEET WEST OF AIRWAYS BOULEVARD, 6.516 ACRES IN THE LIGHT INDUSTRIAL (I-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5161
Case No. Z 06-101

Applicant: Alpha Omega Veteran Services
 John F. Williams – Representative

Request: Multiple Family Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick,
 Peete and Chairman Mitchell
 Marshall, Sammons and Taylor did not cast a vote

APPROVED

34. **ORDINANCE REZONING THE WEST SIDE OF MOUNTAIN TERRACE STREET; +135 FEET NORTH OF JAMES ROAD, CONTAINING 4.44 ACRES IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5162
Case No. Z 06-103

Applicant: Erby Price
 Frank P. Palumbo, Jr. – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete
SECOND: McCormick
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete
 and Mitchell
 Marshall, Sammons and Taylor did not cast a vote

APPROVED

36. **ORDINANCE REZONING THE NORTHEAST CORNER OF MCCORKLE ROAD AND CRESCENT AVENUE, CONTAINING 86,651 SQ. FT. (1.99 ACRES) IN THE TOWNHOUSE RESIDENTIAL (R-TH) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5164
Case No. Z 05-126

Applicant: R & D Development
 Ghassemi and Associates – Representative

Request: Single-Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

MOTION: Peete

SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete and Mitchell
Marshall, Sammons and Taylor did not cast a vote

APPROVED

37. **RESOLUTION APPROVING A HOTEL WAIVER FOR HOLIDAY INN SELECT MEMPHIS AIRPORT, LOCATED AT 2240 DEMOCRAT ROAD, MEMPHIS, TENNESSEE, 38132.**

MOTION: Peete
SECOND: Ford
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, McCormick, Peete and Chairman Mitchell
Lowery, Marshall, Sammons and Taylor did not cast a vote

APPROVED

49. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHEAST CORNER OF FRONT STREET AND G.E. PATTERSON AVENUE, CONTAINING 8.57 ACRES IN THE SOUTH MAIN (SM) DISTRICT.**

Case No. SUP 06-203

Applicant: Memphis Farmer’s Market
Clark-Dixon Associates – Representative

Request: Special use permit to allow retail sales, outdoor for a Farmer’s Market

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Brown
AYES: Brittenum, Brown, Chumney, Ford, Holt, Jones, Lowery, McCormick, Peete and Chairman Mitchell
Marshall, Sammons and Taylor did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Mitchell recognized the following person from the audience:

ADJOURNED MEETING AT 7:20 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

Attest:

CHAIRMAN

Deputy Comptroller/Council Records